

**IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF MONTANA
GREAT FALLS, DIVISION**

| | | |
|----------------------------------|---|-----------------|
| Certain Underwriters at Lloyd's, |) | |
| London Subscribing to Policy |) | |
| Number PGIARK05447-00, |) | |
| |) | |
| Plaintiff, |) | CV-19-34-GF-BMM |
| |) | |
| -vs- |) | ORDER |
| |) | |
| Dual Trucking, Inc., and Anthony |) | |
| Alford, |) | |
| |) | |
| Defendants. |) | |

The Defendants herein move for dismissal of Plaintiff's complaint for lack of jurisdiction. Defendants argue that since a claim was not made on the subject insurance policy, there is not a justiciable controversy and the Court should dismiss. Defendant DTI simultaneously moves the Court to set aside the clerk's default allegedly entered due to a mis-communication between counsel. DTI similarly argues that service was improper and as noted above, it did not file a claim invoking the duty to defend by Plaintiff.

Both motions are unopposed. Therefore, for good cause shown, Defendants' motion to dismiss is GRANTED. The accompanying motion to

set aside the default is similarly GRANTED. The Clerk is instructed to set aside the default.

Dated this 18th day of June 2019.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a large initial "B" and a long horizontal stroke at the end.

Brian Morris
United States District Court Judge